

Accordingly (at 7 p.m.), the House stood in recess subject to the call of the Chair.

□ 2245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 o'clock and 45 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 28, 2005 at 8:45 pm: That the Senate passed without amendment H.R. 3045.

With best wishes, I am

Sincerely,

JEFF TRANDAH, L,
Clerk of the House.

SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART VI

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure, the Committee on Science, the Committee on Ways and Means, and the Committee on Resources be discharged from further consideration of the bill (H.R. 3512) to provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. SHAYS. Mr. Speaker, is this the legislation extending time for the transportation bill?

The SPEAKER pro tempore. Yes, it is.

Mr. SHAYS. Then, Mr. Speaker, reserving my right to object, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, this is a very simple extension which is necessary once we pass H.R. 3 to give time for an enrollment and delivering the package to the Senate, which we hope to do tonight, and then after being enrolled on to the President, and that will take some time.

If we do not do this, the Federal Government and the transportation system

will be shut down. This has been requested by the administration and by the other body.

Mr. SHAYS. Further reserving the right to object, Mr. Speaker, I would love to have a dialogue with the gentleman bringing out the bill, but first will express my reservation of objection.

In the full bill that we will be considering, there is a section 1942 entitled Opening of Airfield at Malmstrom Air Force Base, Montana. It reads: "Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall, (1) open the Air Field At Malmstrom Air Force Base, Montana; and (2) enable flying operations for all fixed-wing aircraft at that base."

My objection is that I understand this resolution extension will only go until August 14. That means that the President is forced to sign the bill, the ultimate bill that we pass, even if he has objections to the bill. I have deep concern that we are basically forcing the President to agree to an act that will reopen a base closed under BRAC without any options.

And if the President does the right thing, which would be to veto this bill so that stuff like this is not made into law, then our government transportation shuts down. My reservation is that the extension is not long enough.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. May I remind the gentleman, Mr. Speaker, that this was asked for by the administration. This was the length that they wanted to have it, 14 days. To in fact have this extension any longer has not been requested by the administration, and I believe this can do the job. The President has to make the decision. If he wishes to veto the bill, he can do so.

But this has been a request by the administration. This is the eleventh extension we have had on this legislation, and I will be right up front with everybody that I think it is the last one we should be doing. This is very important to the States themselves.

The President will make that decision on the merits of the gentleman's argument, and I understand those merits. I will not disagree with what he said. I am just suggesting respectfully that this is action for the bill itself and for the rule. But for the extension, this has been a request made by the administration, by the other body, and of course the leadership of this House.

Mr. SHAYS. Mr. Speaker, reclaiming my time, I would like to ask the gentleman, and will yield to him for a response to this question: Does the President know that in this transportation bill there is legislation language that will undo a BRAC closing? Is he aware that this language is in this?

Mr. YOUNG of Alaska. If the gentleman will continue to yield, I am confident that the President of the

Senate has communicated with the White House. All through this process they have been very much involved in the process of passage of this legislation. I have not asked his opinion on that part of the legislation. I know that this is a request, and I am trying to fulfill that request.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I would be happy to yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, this item which the gentleman has raised was an item requested by Senate conferees on which Senate conferees voted and asked us to consider. We were not aware at the time that it was a BRAC item. We learned about it subsequently.

Our review of the matter reveals that one runway at the Air Force base was closed; the other runway is active and still operating as a military facility. This language would simply keep the other one runway operating for a variety of purposes, multiuse purposes, at the airport.

Mr. SHAYS. Reclaiming my time, Mr. Speaker, I would just like to confide with my colleague that I am told that this is language that will basically reopen a base that was closed under BRAC, and that while the gentleman is under the interpretation he is under, there are many of us who believe it is quite different. While I greatly respect the gentleman, it seems to me this House of Representatives has to someday stand up to the Senate when they do this kind of stuff, sir.

What we are seeing here is absolutely outrageous, and what would have been a preferred extension, in my judgment, with all due respect to my colleagues, would be to have allowed the President such time that he could have had an extension until he signed this legislation. And if he did not sign this legislation, we could have come back and corrected this.

I am hopeful that before the night is out that we are going to delete section 1942. I do not know how it is going to happen, but, Lord knows, if it does not, we have basically done something that I think is shameful to the process and reflects badly not just on the Senate, but on the House that we would allow them.

Mr. OBERSTAR. Mr. Speaker, if the gentleman will continue to yield, I concur in the gentleman's feelings about this matter. It should not have been an item in a conference report on a transportation bill of this magnitude, but as we all know, these things make their way in. We did not have full information.

Our information subsequently is that the base was not closed, but that one runway was shut down, and this language was to open that one runway. There will be a further opportunity in a technical correction to address the concerns of the gentleman from Connecticut, and I am confident that the